

REMARKS

This Amendment is being filed in response to the Office Action mailed June 24, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

In the Office Action, claims 1, 6-7 and 12-20 are rejected under 35 U.S.C. §103(a) as being patentable over U.S. Patent No. 7,321,923 (Rosenberg) in view of U.S. Patent Application Publication No. 2003/0028893 (Addington). Claims 2-4 and 9-10 are rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington and U.S. Patent No. 6,247,165 (Anderson). Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington, Anderson and U.S. Patent No. 5,777,989 (McGarvey). Claim 8 is rejected under 35 U.S.C. §103(a) as being patentable over Rosenberg in view of Addington and U.S. Patent Application Publication No. 2002/0003840 (Ueda). It is respectfully submitted that claims 1-20 are patentable over Rosenberg, Addington, Anderson, McGarvey and Ueda for at least the following reasons.

On page 5 of the Office Action, it is alleged that paragraph [0034] of Addington discloses features of independent claim 1, namely:

storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting arrival of the associated metadata, and discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria.

It is respectfully submitted that paragraph [0034] of Addington merely discloses to package a segment from a spool 210e (where the segment is being cached) and send the segment to personal video exchange server 210c. Paragraph [0034] further discloses that the oldest content is removed (as new content is received) if storage space on the live spool 210e is exhausted. A stored portion may be saved in the live spool 210e for a specified period of time, and will not be deleted when new content arrives.

Such description in paragraph [0034] of Addington has nothing to do with and does not disclose or suggest "storing an arrived content as stored content while an associated metadata associated with the arrived content is still being analyzed, or while awaiting

arrival of the associated metadata," as recited in independent claim 1, and similarly recited in independent claims 7 and 19.

(Illustrative emphasis provided) Rather, paragraph [0034] merely discloses packaging a segment from a spool 210e and sending it to a personal video exchange server 210c.

Assuming, arguendo, that Addington does disclose or suggest this feature of storing content while the metadata is still being analyzed, or while awaiting metadata arrival, it is respectfully submitted that paragraph [0034] of Addington still does not disclose or suggest "discarding the stored content if the associated metadata indicates that the useful information of the stored content does not satisfy the predefined criteria," as recited in independent claim 1, and similarly recited in independent claims 7 and 19. (Illustrative emphasis provided) Rather, paragraph [0034] merely discloses to delete oldest content, and save a content portion for a specified period of time.

Rosenberg, Anderson, McGarvey and Ueda are cited to allegedly show other features and do not remedy the deficiencies in Addington.

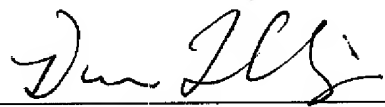
Accordingly, it is respectfully submitted that independent

claims 1, 7 and 19 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-18 and 20 should also be allowed at least based on their dependence from independent claims 1, 7 and 19, as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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